

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  City  Town  Village  
(Select one.)

of Victory \_\_\_\_\_

Local Law No. 1 \_\_\_\_\_ of the year 2011 \_\_\_\_\_

A local law Village of Victory Government Reform Law of 2011  
(Insert Title)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Be it enacted by the Board of Trustees \_\_\_\_\_ of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one.)

of Victory \_\_\_\_\_ as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) \_\_\_\_\_ (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2011 of the ~~(County)(City)(Town)~~(Village) of Victory was duly passed by the Board of Trustees on April 6 2011, and was (approved)(not approved) \_\_\_\_\_ (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on June 15 2011, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) \_\_\_\_\_ (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 3 above.

(Seal)

\_\_\_\_\_  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Maureen Kemmet

Date: \_\_\_\_\_

**(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)**

STATE OF NEW YORK  
COUNTY OF ALBANY \_\_\_\_\_

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

\_\_\_\_\_  
Signature  
Michael J. Catalfimo, Attorney for Board of Trustees  
\_\_\_\_\_  
Title

~~County~~  
~~City~~ of Victory \_\_\_\_\_  
~~Town~~  
Village

Date: \_\_\_\_\_



VILLAGE OF VICTORY

PROPOSED LOCAL LAW A OF 2011

**A LOCAL LAW TO VEST IN THE BOARD OF  
TRUSTEES CERTAIN POWERS, FUNCTIONS  
AND DUTIES NOW HELD BY THE MAYOR**

BE IT ENACTED by the Board of Trustees of the Village of Victory as follows:

Section 1: Title

This Local Law shall be known as the "Village of Victory Government Reform Law of 2011", and may be cited as Village of Victory Local Law No. 1 of 2011 ("VOV LL 2011-  ").

Section 2: Authority.

This local law is enacted pursuant to the authority of: (a) Municipal Home Rule Law Section 10(1)(i), which authorizes a Village to adopt or amend a local law not inconsistent with the provisions of the Constitution or not inconsistent with any general law relating to its property, affairs or government; (b) Municipal Home Rule Law Section 10(1)(ii)(a)(1), which authorizes a Village to adopt or amend a local law not inconsistent with the provisions of the Constitution or not inconsistent with any general law relating to the powers, duties, qualifications, number, mode or selection and removal, terms of office, compensation, hours of work, protection, welfare and safety of its officers and employees (including, but not limited to, the creation or discontinuance of departments of its government and the prescription or modification of their powers and duties); (c) Municipal Home Rule Law Section 10(1)(ii)(a)(3), which authorizes a Village to adopt or amend a local law not inconsistent with the provisions of the Constitution or not inconsistent with any general law relating to the transaction of its business; (d) Municipal Home Rule Law Section 10(1)(ii)(a)(4), which authorizes a Village to adopt or amend a local law not inconsistent with the provisions of the Constitution or not inconsistent with any general law relating to the incurring of

its obligations; (e) Municipal Home Rule Law Section 10(1)(ii)(a)(5), which authorizes a Village to adopt or amend a local law not inconsistent with the provisions of the Constitution or not inconsistent with any general law relating to the presentation, ascertainment, disposition and discharge of claims against it; (f) Municipal Home Rule Law Section 10(1)(ii)(a)(12), which authorizes a Village to adopt or amend a local law not inconsistent with the provisions of the Constitution or not inconsistent with any general law relating to the government, protection, order, conduct, safety, health and well-being of persons or property therein; (g) Municipal Home Rule Law Section 10(1)(ii)(a)(14), which authorizes a Village to adopt or amend a local law not inconsistent with the provisions of the Constitution or not inconsistent with any general law relating to the powers granted to it in the statute of local governments; (g) Municipal Home Rule Law Section 10(1)(ii)(e)(3), which authorizes a Village, under certain defined circumstances, to adopt a local law amending or superseding the provisions of the Village Law of the State of New York; and (h) Village Law Section 4-412(1), which authorizes a Village to enact local laws protecting the health, safety, morals or general welfare of the inhabitants of the Village, the protection of their property and the preservation of peace and good order.

Section 3: Legislative Findings. The Board of Trustees of the Village of Victory finds and determines that:

(a) The Village of Victory is a municipality inhabited by approximately 544 persons.<sup>1</sup>

(b) That prior to April 5, 2009, the elected and appointed officials of the Village consistently exercised the powers, duties and responsibilities conferred upon them by the Village Law of the State of New York cooperatively and collaboratively, with the goal of governing by

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<sup>1</sup>Population is based on 2000 United States Census data.

consensus whenever possible.

(c) That on those infrequent occasions before April 5, 2009 when conflict or disagreement arose between the Mayor and Trustees of the Village as to an issue of local government, such conflict or disagreement was resolved amicably through the exercise of good faith negotiation and compromise.

(d) That on April 5, 2009 James Sullivan became the Mayor of the Village of Victory by an elected vote of 71 to 59.

(e) That during his tenure in office, Mayor Sullivan has repeatedly construed and interpreted the nature and scope of his legal authority as Mayor to include powers and prerogatives that exceed the powers and prerogatives which the Board of Trustees believes may rightfully be exercised by the Mayor; and he has repeatedly construed and interpreted the nature and scope of the Board of Trustees' legal authority to exclude powers and prerogatives which the Board of Trustees believes it may rightfully exercise.

(f) That during his tenure in office, Mayor Sullivan has on numerous occasions taken actions which he knew, or should have known, to be contrary to the express preferences or wishes of the Board of Trustees, without first discussing those actions with the Board of Trustees and attempting to secure their support therefor.

(g) That during his tenure in office, Mayor Sullivan has on numerous occasions taken actions which he knew, or should have known, to be outside the scope of his legal authority as Mayor.

(h) That during his tenure in office, Mayor Sullivan has publicly stated that the Village of Victory should be dissolved and has actively participated in efforts to cause the Village's